

1                                   **BEFORE THE ARIZONA STATE BOARD OF**  
2                                   **MASSAGE THERAPY**

3 In the Matter of:

**BOARD CASE NO. 19-163**

4 **GABRIEL HOUSEAL**  
5 Holder of License No. **MT-19171**

**DECISION AND ORDER**

6 For the Practice as a Massage Therapist  
7 In the State of Arizona,

8                                   Respondent.  
9

10           On August 26, 2019, during a regularly scheduled board meeting, the Arizona State  
11 Board of Massage Therapy ("Board") held an Administrative Hearing to hear evidence,  
12 testimony and arguments regarding this case. Assistant Attorney General Michael Raine  
13 represented the State. Gabriel Houseal ("Respondent") was present and represented himself.  
14 Assistant Attorney General, Marc Harris, of the Licensing and Enforcement Section of the  
15 Attorney General's Office, appeared, in person, to provide independent legal advice to the  
16 Board. After hearing all of the evidence and arguments presented by the parties, the Board issues  
17 the following Findings of Fact, Conclusions of Law and Order ("Order"):

18                                   **PARTIES AND JURISDICTION**

19           1.     The Board is the duly constituted authority for licensing and regulating the  
20 practice of massage therapy in the State of Arizona.

21           2.     Respondent is the holder of license number MT-19171, which allows Respondent  
22 to practice as a massage therapist in the State of Arizona.

23           3.     Under A.R.S. § 32-4201, et seq., the Board possess jurisdiction over the subject  
24 matter and over Respondent as a licensee of the Board.  
25  
26

1 **FINDING OF FACT**

2 1. On November 14, 2016, Respondent provided massage therapy services to client  
3 DS at Massage Envy in Phoenix, Arizona.

4 2. During the massage, Respondent provided DS with a breast massage without  
5 advance oral or written consent.

6 3. On January 28, 2017, Respondent again provided massage therapy services to  
7 client DS at the same location.

8 4. During the massage, Respondent again provided DS with a breast massage  
9 without advance oral or written consent.

10 5. Respondent has been previously disciplined by the Board.

11 **CONCLUSIONS OF LAW**

12 1. The conduct and circumstances described above constitute grounds for discipline  
13 pursuant to A.R.S. § 32-4253(A)(6) (engaging in any act or practice in violation of this chapter  
14 or any board rule), as it relates to any alleged statutory violation asserted below, as well as  
15 Arizona Administrative Code R4-15-103(E) (establishing the ethical standard to “[p]rovide  
16 draping that ensures the safety, comfort, and privacy of the client.”)

17 2. The conduct and circumstances described above constitute grounds for discipline  
18 pursuant to A.R.S. § 32-4253(A)(10) (engaging in conduct that could result in harm or injury to  
19 the public).

20 3. The conduct and circumstances described above constitute grounds for discipline  
21 pursuant to A.R.S. § 32-4253(A)(15) (engaging in sexual activity with a client) as that term is  
22 defined in A.R.S. § 32-4253(B)(2)(c) (engaging in massafge therapy to the breasts of a  
23 female client unless the client requests breasts massage and signs a written consent form).

24  
25 **ORDER**  
26

1       Based on the Board's adoption of the Findings of Fact and Conclusions of Law, it  
2 is hereby ordered that license number MT-19171 issued to Gabriel Houseal to practice as a  
3 massage therapist in the State of Arizona is placed on PROBATION and subject to the  
4 following terms and conditions:

5       1.       Respondent's massage therapy license no. MT-19171 is suspended for six  
6 months from the effective date of the Order.

7       2.       Respondent is assessed a civil penalty in the amount of \$250.00. The civil  
8 penalty shall be paid within six months from the effective date of the Order.

9       3.       Respondent shall submit a written request to the Board for release from the  
10 terms of this Order. Respondent may not submit such a request prior to January 26,  
11 2020. Respondent shall submit his request at least 30 days prior to the date he would  
12 like to have this matter appear before the Board. Respondent shall appear before the  
13 Board in person. Respondent must provide evidence that he has successfully satisfied all  
14 terms and conditions in this Order. The Board has the sole discretion to determine  
15 whether all terms and conditions of this Order have been met and whether Respondent  
16 has adequately demonstrated that he has addressed the issues contained in this Order. In  
17 the event that the Board determines that any or all terms and conditions of this Order  
18 have not been met, the Board may conduct such further proceedings as it determines are  
19 appropriate to address those matters.

20       4.       Respondent shall obey all federal and state laws and rules governing the practice  
21 of Massage Therapists.

22       5.       Respondent shall pay all costs associated with complying with this Order.

23       6.       If Respondent violates this Order in any way or fails to fulfill the requirements of  
24 this Order, the Board, after giving the Respondent notice and the opportunity to be heard, may  
25 revoke, suspend or take other disciplinary actions against Respondent's license. The issue at  
26 such a hearing will be limited solely to whether this Order has been violated.

7. Respondent shall remain in compliance with all requirements of his Order and shall inform the Board within ten (10) days regarding any changes to his address of record with the Board.

8. The Effective Date of this Decision and Order is the date that is signed by Board's Executive Director.

## NOTICE OF APPEAL RIGHTS

Respondent is hereby notified that he has the right to petition for a rehearing or review by filing a petition with the Board's Executive Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting a rehearing. A.A.C. R4-15-401(C). Service of this Order is effective on the date of personal delivery or five days after the date of mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty (30) days after it is mailed to the Respondent. Respondent is further notified that the filing of a motion for rehearing is required to preserve any rights of appeal to the Superior Court.

DATED this 11<sup>th</sup> day of September, 2019

ARIZONA STATE BOARD OF  
MASSAGE THERAPY

By: Thomas Augheron  
Thomas Augheron, Executive Director

Original Decision and Order  
filed this 11<sup>th</sup> day of September, 2019 with the:

Arizona State Board of Massage Therapy  
1740 West Adams Street, Suite 3401  
Phoenix, Arizona 85007

Copy of the foregoing sent via  
Regular and Electronic mail this  
11<sup>th</sup> day of September, 2019 to:

Gabriel Houseal  
1634 W Campbell Avenue  
Phoenix, Arizona 85015  
[gabrielhouseal@gmail.com](mailto:gabrielhouseal@gmail.com)

1 Copy of the foregoing sent via  
2 Electronic mail this 11<sup>th</sup> day of September, 2019 to:

3 Michael Raine, Assistant Attorney General  
4 Office of Arizona Attorney General–SGD/LES  
5 2005 North Central Avenue  
6 Phoenix, Arizona 85067  
7 [michael.raine@azag.gov](mailto:michael.raine@azag.gov)  
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1 Marc Harris, Assistant Attorney General  
2 Licensing & Enforcement Section  
3 Office of the Attorney General-SGD/LES  
4 2005 North Central Avenue  
5 Phoenix, Arizona 85004  
6 [marc.harris@azag.gov](mailto:marc.harris@azag.gov)

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